



TEXAS JUVENILE JUSTICE DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, October 28, 2016 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Chairman
The Honorable John Brieden III
The Honorable Laura Parker
Riley Shaw
The Honorable Jimmy Smith
Jane King
The Honorable Carol Bush
MaryLou Mendoza
Scott "David" Matthew

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
Calvin W. Stephens
The Honorable Becky Gregory

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Eleazar Garcia, Chief Internal Auditor
Jim Hurley, Communications Director
Luther Taliaferro, Superintendent of Education
Rebecca Walters, Director of Youth Placement &
Program Development
Jim Southwell, Chief Information Officer
Kristy Almager, Director of the Juvenile Justice
Training Academy

Tushar Desai, Medical Director
Roland Luna, Chief Inspector General
Jill Mata, General Counsel
Mike Meyer, Chief Financial Officer
Jeannette Cantu, Executive Assistant
James Williams, Senior Director of
Probation and Community Services
Teresa Stroud, Senior Director of
State Programs and Facilities

OTHER GUESTS PRESENT:

Brandy Baptiste, Travis Co.
Brian Hughes, TJJD
Nydia Thomas, TJJD
Shannon Wylie, TJJD
Diana Goodwin, TJJD
Lester Brown, TJJD
Steve Roman, TJJD
Steven Thompson, TJJD

Chris Hubner, Travis Co.
Matt Benbow, Palo Pinto Co.
Kaci Singer, TJJD
Granyon Perry, TJJD
Ron Quiros, Guadalupe Co.
Susan Humphrey, Bell Co.
Jeannette Lepe, TJJD
Jerome Williams, TJJD

Darryl Beatty, Travis Co.
Stephanie Melot, TJJD
Kevin DuBose, TJJD
Estela P. Medina, Travis Co.
Doug Vance, Brazos Co.
Karen Kennedy, TJJD
Lesly Jacobs, TJJD
Brian Jones, Grayson Co.

Board Meeting
October 28, 2016

Connie Simon, TJJD
Marie Welsch, TJJD
Janet Clark, OIO
Tammy Holland, TJJD
Debbie Unruh, OIO
Jamyen Robinson-Hall, TJJD
Christina Garcia, TJJD

Ken Ming, TJJD
Steven Vargas, TJJD
Michael Battles, TJJD
Kimbla Newsom, TJJD
Shaun Thompson, TJJD
Fred Meinke, TJJD
Xavier Casares, TJJD

Minnie Rivers, TJJD
Scott Friedman, TJJD
Denise Askea, TJJD
Lizet Hinojosa, TJJD
Cynthia Tennesseu, TEA
Todd Novak, TJJD
Karol Davidson, TJJD

Call to order

Chairman Fisher called the meeting to order at 9:06 a.m.

Prayer

Granyon Perry-Wooden opened the meeting with a prayer.

Pledge

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

Discussion, consideration, and possible approval regarding excused absences (Action)

The following board members were absent: Rene Olvera, Becky Gregory, Calvin Stephens, and Laura Parker. Mr. Shaw moved to excuse the absences. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval regarding the August 5, 2016 Board Meeting minutes (Action)

Mr. Shaw moved to approve the minutes. Mr. Matthew seconded. The motion passed.

Report from the Chairman

Chairman Fisher gave a prepared statement regarding the recent arrest of a Juvenile Correction Office (JCO) for violation of civil rights of a person in custody which involved improper sexual activity. He said the agency addressed this matter quickly and with great regard to TJJD's zero tolerance policy on sexual abuse. The investigation is ongoing and is an issue the agency and board are taking very seriously. This matter will be addressed more in depth during the Executive Session of the Board.

Report from the Executive Director

David Reilly, Executive Director, provided the Board with a list of meetings, conferences and events that he participated in since the last Board meeting. Included was the 100 Year Celebration of the Gainesville State School.

As session approaches, the agency has a coordinated voice between probation field and TJJD. Staff have discussed the Legislative Appropriations Request (LAR) with the Advisory Council and other field groups to insure the agency is on the same page as probation issues. Staff hope to reignite the Presidents' Council as a communication mechanism.

Mr. Reilly stated that he recently presented the agency LAR at the LAR hearing. There was a good presence of capitol staffers showing interest in TJJD. Staff continues to meet with budget offices and the Legislative Budget Board (LBB). Mike Meyer, Chief Financial Officer, will be talking more about the agency's supplemental request and population. Staff have begun circulating an estimate of what the agency needs will be.

Mr. Reilly informed the board that in their board handouts, they will see a legislative packet. He asked that they spend some time reviewing the materials to show how the items in this packet might be talking points to support the LAR during session and for them to use for conversations with members of the legislature with whom they have relationships. Between now and the end of the year, staff will schedule conference calls with each of you to discuss in more detail. He said their feedback is welcomed.

Mr. Reilly reported that in the same week, the agency had two serious suicide attempts at Ron Jackson that required hospitalization. Staff did an amazing job of working together and taking care of the girls before emergency crews arrived. The girls returned to the facility within three days and are doing well.

Michael Turner from State Programs organized a group of central office staff mentors for an elementary school to serve as mentors to underprivileged kids.

Lester Brown, a treatment program specialist in central office was recently on the Rachel Ray Show for his quiet, act of kindness to a San Antonio teacher. He paid for a teacher's school supplies at Walmart. They took a photo together that the teacher posted and went viral on social media. The Governor also honored Mr. Brown with a letter of appreciation. Mr. Reilly read the letter and during a break, pictures were taken with Mr. Brown and the Board.

Teresa Stroud has been elected as a member of the ACA Board of Governors in the Juvenile area. She will have a swearing-in ceremony at the upcoming 2017 Winter ACA Conference in January.

Mr. Reilly directed the Board to page 29 of their materials for the Agency Report Card and reviewed with the Board the number of diplomas, GEDs and industry certifications obtained since the beginning of the school year in August, the number of youth receiving web-based visits is increasing and the number of families participating in multidisciplinary team meeting over the last two quarters. Staff continue to develop ways to increase family involvement in the case planning and rehabilitative process of our youth. On page 4, you will see that JCO turnover rates are up from 33% to 40%. Staff believe this is attributable to pay. The agency has requested support in the LAR for salary increases for these positions. In response to a question from Judge Brieden, Mr. Reilly stated he was unaware if there was anyone present from the LBB at today's meeting.

Staff have seen an improvement in Workers' Compensation in FY 2016, both in the number of claims and in cost. At the same time, claims due to aggression decreased. Efforts are being made through the Accident Review Board to prevent these aggression injuries.

As an update on Regionalization, the agency received 80 diversion applications and approved 39. The next big step for staff in the regionalization effort will be to take a deeper look at the actual programming provided at the facilities being used for regionalization and to expand innovative and/or research based programming that focuses on positive outcomes for the youth served.

The TJJD flexible block school schedule, implemented in August, has transformed the way educational services and rehabilitation is provided to youth. This allows for not having every youth in school at the

same time. Looking at August 1 through September 30, 2016, compared to the same timeframe in 2015, security incidents in Education have decreased by 35%, and responsibility center referrals have also decreased by 24%. This indicates that our campuses are becoming safer.

The agency will be distributing a merit pool that is intended to be a small benefit to help mitigate turnover and low morale. The executive team decided to award its portion of the merit pool to be distributed amongst the lowest classified positions in the agency.

Public comments

There were no public comments.

Guadalupe County Juvenile Probation Department Program Overview

Chief Ron Quiros provided a presentation of his department program "Dirt Divas."

Report from the Advisory Council

Doug Vance, Advisory Council Chairman, referred the board to page 35 of the materials. He provided a summary of the last Advisory Council meeting on September 9, 2016 including updates on the Juvenile Probation Officer Certification Exam, Juvenile Gang Awareness Training, Discretionary State Aid Program, Regionalization update, TJJD LAR update and the Standards Committee update. He listed a review of standards committee projects. The next meeting is November 4, 2016. In response to a question by Jimmy Smith, Chief Vance stated there have probably been a dozen exams taken so far.

Report from the Inspector General

Roland Luna, Chief Inspector General, referred the Board to page 43 of the materials. He provided an update to the Board on comprehensive program analysis summary indicators through FY 2016 compared to FY 2015.

Chief Luna introduced newly promoted staff, Lieutenant Rudy Rodriguez and Management Analyst Oscar Rodriguez. He also recognized Sergeant Matthew Cosper and his canine partner for placing first place in the South Texas Canine Competition.

Chairman Fisher recessed for 15 minutes.

Report from the Administrative Investigations Division

Kevin DuBose, Director of the Administrative Investigations Division, referred the Board to page 45. He provided an update to the Board on the County Investigations Unit and State Investigations Unit through FY 2016 compared to FY 2015. Although the report indicates an increase in incident reporting, there has been a decrease in affirmative findings. Staff are also near completion of all FY 2016 investigations, 62 remain open.

In response to a comment by Judge Brieden, Mr. DuBose confirmed that the overall culture of reporting has enhanced over the year and staff are looking at more reports but are finding less affirmative findings. He concurred with Judge Brieden that TJJD is not a broken agency.

Mr. DuBose introduced two new investigators, Steven Thompson and Michael Battles.

Report on Trust Fund Activities

Karen Kennedy, Deputy General Counsel, provided a brief update on the Parrie Haynes and John C. Wende trusts including an update on the pay-out cap for the educational assistance program for the Parrie Haynes trust. After research was conducted, it has been determined that the cap can be raised. Chairman Fisher requested this be an action item for the next Board meeting.

Regarding the Spotted Horse Livery electrical easement, those documents have been completed and filed. The work has not yet begun on the insulation.

Regarding the Wildlife Management Plan (WMP) for the Parrie Haynes Ranch, implementation has begun. Staff have received a request from John Macy, the developer of the WMP, to come to the January meeting of the Trust Committee to provide an update of his activities.

Staff also received a request from the U. S. Fish and Wildlife Service to come to the January meeting of the Trust Committee to provide an update on its Partner's Program that want to contribute to the WMP.

Regarding the Milam County Tract of the Parrie Haynes tract, the bidder withdrew his bid. There appear to be some issues with the fencing and also the cattle pen. Staff initiated an estimate and put out bids. It appears likely that the fencing would be over \$2000 to repair. Repair of the cattle pen could be up to \$5000 and that would be the entire maintenance budget for Parrie Haynes. In response to a question from Chairman Fisher, Ms. Kennedy said she doesn't see any reason why the Board could not put this tract on the market for sale but will look into this further. Chairman Fisher said he would like to see this on the Trust Committee agenda for discussion at the next meeting. Commissioner Smith stated this piece of property probably has more liability to the Board than anything. He asked staff to get a brokers opinion and bring it back to the next Committee meeting.

Status and update on the activities of the H.B. 431 Juvenile Records Advisory Committee and notice of continuing authority to meet through December 2018

Nydia Thomas, OGC Special Counsel for Legal Education and Technical Assistance, provided an update on the activities of the Juvenile Records Advisory Committee. Board member Riley Shaw is chairman of the advisory committee. Ms. Thomas reported that the key legislative charges of the workgroup have been fulfilled. It is anticipated that there are additional records-related issues that merit further inquiry. As such, the advisory committee provided notice to the board of its intent to convene, as necessary, until its duties expire in December 2018. The report containing the committee's findings and recommendations will be submitted to legislative leadership on November 1, 2016. In response to a question by Chairman Fisher, Ms. Thomas stated that the legislative charge of the committee was to develop a reorganization plan and examine issues of confidentiality, sealing of juvenile records and the role of various entities that share juvenile information.

Status and update on the activities of H.B.1144 Task Force on Improving Outcomes of Juveniles Adjudicated of Sexual Offenses (IJSXO) and notice of continuing authority to meet through September 2017

Ms. Thomas provided an update on the activities of the task force created by House Bill 1144. Ms. Thomas reported that the task force fulfilled its legislative charges and will issue a report on December 1, 2016. Over the period of one year, the workgroup developed its findings and recommendations on the basis of an information-gathering process that included the testimony of more than 15 witnesses representing the experiences and perspectives of the adjudicated youth, treatment providers, juvenile justice practitioners, victims, and other stakeholders. The task force provided notice of continuing authority to convene until the duties of the group expire on September 1, 2017.

Report from the Safety and Security Committee

Mr. Shaw indicated that the committee met yesterday but did not have a quorum to make recommendations.

Review, Discussion, and Possible Action Regarding the Travis County Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.656 Related to Spatial Requirements in Multiple Occupancy Housing Units (Action)

Scott Friedman, Standards and Performance Administrator, provided an overview of the Travis County variance request and provided a staff recommendation to grant the variance with the special conditions as noted on the proposed resolution provided in the board materials. Chairman Fisher commented that when the building was built, it was in compliance but the standards have since changed. Judge Brieden further commented that the rooms in question are not currently being used but may be needed in the future and therefore the variance is needed. Ms. King moved to approve the variance. Mr. Matthew seconded. The motion passed.

Review, Discussion, and Possible Action Regarding the Grayson County Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.644 Related to Spatial Requirements for Single Occupancy Housing Units (Action)

Mr. Friedman provided an overview of the Grayson County variance request and provided a staff recommendation to grant the variance with the special conditions as noted on the proposed resolution provided in the board materials. This is a similar situation as the Travis County variance except that

the variance applies to single occupancy rooms. In response to a question by Scott Matthew, Mr. Friedman stated that the square footage includes the bed. Mr. Matthew moved to approve the resolution. Ms. Mendoza seconded. The motion passed.

Review, Discussion, and Possible Action Regarding the Grayson County Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.634 Related to Level of Supervision in Multiple Occupancy Housing Units (Action)

Mr. Friedman provided an overview of the Grayson County variance request and provided a staff recommendation to deny the variance. This is not a square footage issue even though it deals with a specific type of housing unit. Grayson County has been cited for being non-compliant for a supervision strategy. In response to a question from Chairman Fisher, Mr. Friedman said there has to be a continual supervision in that room at all times. The staff's concern is that there is no precedent for this specific waiver and should the board approve the variance, the agency is setting a precedent for future variances.

In response to questions by Chairman Fisher, Brian Jones, Director of Juvenile Services, stated that he believed the square footage of the room was approximately a 20 ft. by 20 ft. He stated that the facility has operated under this supervision strategy since it was opened. Discussion ensued. Mr. Shaw moved to table this item to allow the board additional time for consideration. In response to a question by Jane King, Mr. Jones stated that the facility continues to operate under the same supervision strategy even since being cited because they don't have the staff to allocate for the additional monitoring from the control room. Mr. Shaw moved to deny the variance. Judge Brieden seconded. The motion passed.

Review, Discussion, and Possible Action Regarding the Brown County Juvenile Board (G4S/The Oaks) Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.230 Related to Specialized Housing (Action)

Chairman Fisher stated that the applicant of the variance withdrew their request.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)

a. Julian Saldana; Certification No. 28605; 16-28605-160118 (Harris)

Kaci Singer, Staff Attorney and Policy Supervisor, presented the negotiated agreed order for 1 year probated suspension. Mr. Shaw moved to approve the agreed order. Commissioner Smith seconded. The vote was taken, Mr. Matthew opposed. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)

- a. **Lisa Baugh, Certification No. 27865, 16-27865-150292 (Randall)**
- b. **Daniel Burch, Certification No. 28918, 16-28918-160166 (Hood)**
- c. **Chakel Charles, Certification No. 29995, 16-29995-160219 (Bexar)**
- d. **Gabriel A. Chavez, Certification No. 28481, 16-28481-16065 (Bexar)**
- e. **Chrystal Hilburn, Certification No. 21245, 16-21245-160112 (Collin)**
- f. **Rebecca Lehew, Certification No. 28919, 16-28919-150276 (Hood)**
- g. **Michael L. Richards, Certification No. 28151, 16-28151-160038 (Dallas)**
- h. **Rudy Robles, Certification No. 17282, 16-17282-160027 (Bexar)**
- i. **Karen Tuggle, Certification No. 24351, 16-24351-150276 (Hood)**

Kaci Singer, Staff Attorney and Policy Supervisor, presented the proposed master default order. All officers were given written notice of the allegations of misconduct against them and the disciplinary actions that TJJD was seeking to bring upon them. None of the applicants responded. In response to a question by Mr. Matthew, Ms. Singer stated that item c is a one year probated suspension and item d is a one-year active suspension. Ms. King recused herself from item a. Judge Bush moved to approve items b through i. Ms. Mendoza seconded. The vote was taken, Mr. Matthew opposed. He explained that he was not in favor of a probated suspension and confirmed that was the case on the previous agenda action item. Discussion ensued regarding other more appropriate discipline options, rather than probated suspension. Judge Brieden move to approve item a. Commissioner Smith seconded. The motion passed.

Report from the Finance and Audit Committee

Ms. King chaired this committee meeting and stated that all action items heard by the committee, except for agenda item 25, are being recommended to the board for approval. There is a new resolution to consider for agenda item 25.

Discussion, consideration, and possible approval regarding Board authorization to designate a housing allowance for Chaplains for tax year 2017 (Action)

Teresa Stroud, Senior Director of State Programs and Facilities, stated that this is an annual procedure. TJJD is requesting board approval to designate up to the percentage requested by each Chaplain as a housing allowance for tax year 2017, enabling them to exclude that amount of their gross income from federal income taxes. Ms. Mendoza moved to approve the resolution. Ms. King seconded. The motion passed.

Discussion, consideration, and possible approval of the recommendations made in the TJJD salary study and to support efforts to obtain additional funding to achieve the goals of attracting and retaining qualified juvenile justice employees and reducing turnover (Action)

Royce Myers, Director of Human Resources, and James Williams, Senior Director of Probation and Community Services presented this item. Mr. Myers noted there was a revised resolution in the board materials provided today, as a result of the Finance and Audit Committee discussion yesterday. Although this agenda item was discussed at the August Board meeting, staff did not seek adoption of the report at that time. At the request of a board member, staff have prepared a resolution for consideration. Chairman Fisher stated that the previous resolution was silent to TJJDs efforts to seek additional state appropriations to assist the counties. Ms. King moved to approve the amended resolution. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding a construction contract for paving and drainage improvements at McLennan County State Juvenile Correctional Facility (Action)

Steven Vargas, Director of Construction, presented a construction project for Mart, Texas at the McLennan facility and involved road and drainage improvements around the campus. The budget for the project is \$534,000. TJJD has solicited bids to ensure the agency receives a competitive price. Staff requests consideration and approval for the Executive Director to negotiate and award a construction contract to the respondent considered to be the best value to TJJD. Ms. King moved to approve the resolution. Judge Bush seconded. The motion passed.

Discussion and possible action regarding a contract with Conference of Urban Counties for the maintenance and support of county Juvenile Case Management Systems (JCMS) (Action)

Chairman Fisher provided an overview and background regarding this item and the need for the additional extension needed in order to finalize this contract. In response to a comment by Judge Brieden, Ms. Mata confirmed that SB 20 changed what is required with state agency contracts. Mr. Shaw stated that he would be abstaining from the vote. Ms. King moved to approve the resolution. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the acknowledgement of gifts (Action)

Chairman Fisher provided an overview of this item and stated that the Finance and Audit Committee discussed this item in full detail and recommends approval. Commissioner Smith moved to approve the resolution. Ms. Mendoza seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §§385.8153, relating to Research Projects, 385.9967, relating to Court-Ordered Child Support, and 385.9993, relating to Canteen Operations (Action)

Mike Meyer, Chief Financial Officer, stated these rules were submitted for public comments in the Texas Register. No comments were received. Staff requests approval for final adoption. Ms. King moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Discussion, consideration, and possible approval to adopt revisions to the Board Governance and Policy Manual and to repeal GAP.09.01, relating to Budget Administration and Process, GAP.09.35, relating to Signatory Authority, GAP.09.45, relating to Vending Machines and Pay Telephones, and GAP.09.63, relating to Claim Settlements (Action)

Mr. Meyer stated that the State Auditor's Office recommended as a result of an audit that the agency update its GAP policies to match current procedures. Part of that process was to repeal outdated sections and move board related items into the Board Governance and Policy Manual. This request does not require posting for public comments. Ms. King moved to approve the resolution. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval regarding the Title IV-E Audit Report (Action Item)

Eleazar Garcia, Chief Internal Auditor, presented the Title IV-E Audit Report. The Federal Foster Care Reimbursement Program Grant (Title IV-E Program) is offered to increase services to children in foster care, to reasonable candidates for foster care, and to their families. It's important to note the DFPS is a pass through agency for the Title IV-E Grant. Mr. Garcia reviewed the objective and scope of the audit. He identified strengths and controls that could be enhanced to ensure compliance with grant requirements and provide more cost-effective practices. Management concurred with the findings. Ms. King moved to approve the audit report. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible approval regarding the FY 2016 Internal Audit Annual Report (Action Item)

Mr. Garcia stated this report is provided in accordance with the Texas Internal Auditing Act requirements for internal auditors to prepare and distribute an annual report of accomplishments and activities and complies with the guidelines set forth by the State Auditor's Office. He provided an overview of what the report included and to whom it will be distributed by November 1, 2016. Ms. King moved to approve the report. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the FY 2017 Internal Audit Charter (Action Item)

Mr. Garcia stated the standards governing the internal audit stipulate the requirements of the Charter, itself. The Charter is reviewed annually and submitted to the Board for approval. He reviewed changes to the current Charter. Ms. King moved to approve. Mr. Matthew seconded. The motion carried.

Discussion, consideration, and possible approval regarding the FY 2017 Internal Audit Plan (Action Item)

Mr. Garcia took the opportunity to introduce the audit staff and expressed his appreciation for their work to ensure all audits are completed. Mr. Garcia reviewed the risk assessment and selection process. He said the risk assessment is weighted towards the safety of the youth and safety of the staff. Staff requests approval of the proposed Audit Plan for FY 2017. Ms. King moved to approve the Audit Plan. Commissioner Smith seconded. The motion passed.

Report from the Programs Committee

Mr. Shaw reported that there were no absences for the Programs Committee meeting. He gave an overview of the reports that were made to the committee. He said he was very excited about what staff are doing to ensure there is parental involvement by way of virtual visitation.

Chairman Fisher called for a recess to convene in closed session.

Closed Session – Executive Session

- a. **§551.071 Consultation with attorney (see footnote)**
- b. **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c. **§551.074 Discussion regarding personnel matters**

The Board entered a closed session at 11:55 a.m.

Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

The Board reconvened in open session at 1:05 p.m. No action was taken.

Adjourn

Chairman Fisher adjourned the meeting at 1:05 p.m.